

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 20040414	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/ES2004/000322	International filing date (day/month/year) 06.07.2004	Priority date (day/month/year) 23.07.2003
International Patent Classification (IPC) or national classification and IPC C05F5/00		
Applicant KIMEL ADITIVOS, S.L.		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of _____ sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 4 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/ES	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/ES2004/000322

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-13 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 14-17 received by this Authority on 23.02.2005
 - nos.* _____ received by this Authority on _____
 - ☐ the drawings:
 - sheets _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/ES2004/000322

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	<u>1-17</u>	YES
	Claims	<u></u>	NO
Inventive step (IS)	Claims	<u>10</u>	YES
	Claims	<u>1-9, 11-17</u>	NO
Industrial applicability (IA)	Claims	<u>1-17</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations (Rule 70.7)

Documents taken into consideration:

D1: GB 1 148 307 A (10/04/1969)

D2: JP 5 194 067 A (03/08/1993)

Product claims 1 to 7

Both document D1 and document D2 indicate the existence of a pellet-shaped material prepared from refinery sludge.

The invention claimed in claims 1 to 7 differs from document D1 in that the starting component is refinery sludge rather than vinasse. In the application, when the component is mixed with the solid carrier to form a pellet, it is the same or very similar (since the vinasse would have been previously concentrated). It follows that the product does not involve an inventive step.

In the light of documents D1 and D2, it is considered that no inventive skill would be required for a person skilled in the art to develop a product as described in claims 1 to 7. Therefore, the invention claimed in claims

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1 to 7 does not involve an inventive step.

Method claims 8 to 12

The method for preparing the pellet is the same regardless of whether sludge or vinasse is the starting material. In either case, the material is concentrated prior to mixing, and although the residue concentration process is not the same, many concentration processes are known from the prior art.

It follows that claims 8, 9, 11 and 12 do not involve an inventive step.

Use claims 13 and 14

The use of the product (pellet) as a soil conditioner is known from document D2. It follows that claims 13 and 14 do not involve an inventive step in the light of document D2.

Application method claims 15 to 17

The method according to claims 15 to 17 is well known and would thus be obvious to a person skilled in the art. It follows that the invention claimed in claims 15 to 17 does not involve an inventive step.